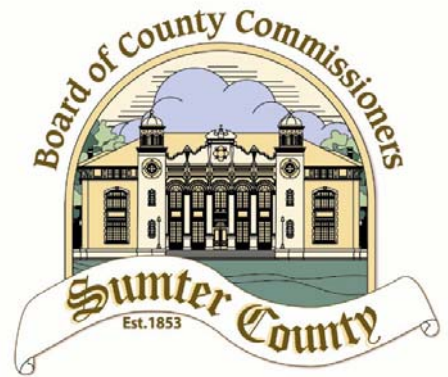


Board of County Commissioners

Division of Planning & Development

Code Compliance Department

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CODE ENFORCEMENT BOARD

August 13, 2007

The regular meeting of the Code Enforcement Board of Sumter County, Florida, was called to order on Monday, August 13, 2007, at 6:00 PM, followed by the Pledge of Allegiance.

The following Board members were present: Acting Chairperson-Charles Castle, Drexel Clark, Terry Pasko, Tommy Messer, Cheryl Barnes, and Dixie Ruzzo.

Present from Code Compliance were Al Folden-Code Compliance Inspector, Janice Love-Code Compliance Inspector, Paul Jochum-Code Compliance Coordinator, and Alysia Akins-Code Enforcement Board Secretary.

Lee Hawkins, attorney for Sumter County Code Compliance Inspectors, was present.
Randall Thornton, attorney for the Code Enforcement Board, was absent.

Mr. Messer made a motion to approve the minutes from the July 9, 2007 meeting. Mrs. Barnes seconded the motion and the motion carried.

Ms. Love and Mr. Jochum were sworn in.

Old Business:

The following cases have not complied:

CE2006-0734/Stumpp

CE2006-0757/Richardson

CE2007-0244/Leborne

Ms. Love testified the case had made significant progress and submitted photos reflecting such. Ms. Love explained Mr. Leborne had informed her that the tree debris remaining on the property will be removed when he receives burn permits next week. Ms. Love explained Mr. Leborne resides in California and is not responsible for the debris being dumped on his property.

Mrs. Barnes made a motion to grant the Respondent an additional 10 days for compliance. Mr. Clark seconded the motion and the motion carried with Mr. Messer dissenting.

CE2006-0748/Hemmeke

The Respondent was misinformed regarding the meeting location; therefore, the case will be tabled to allow proper notice to be issued.

The following case consisted of an extension request:

CE2007-0117/Curran

The Currans submitted a letter requesting an extension due to being out of state until October 2007.

Mrs. Barnes moved to approve the extension request until October 30, 2007, and if the property is not in compliance by that date, the initial order be imposed. Mr. Messer seconded the motion and the motion carried.

New Business:

The following cases have complied:

CE2007-0096/Robinson

CE2006-0686/Beasley

Case: CE2007-0230

Respondent: Lee Capital Limited Partnership

Location Address: 10 W. C-462/Oxford

Parcel: C27=026/OR-897, PG-451

Code Violations: 21-1(A) and 13-E.3.1.2 SHC 307.4

The Respondent's representative, Sherilyn Lee, was present and sworn in. Ms. Love testified the Notice for Hearing was sent by certified mail, and was also hand delivered. Ms. Love testified her initial inspection was on 4/23/07. Ms. Love testified her most recent visit to the property on 8/13/07 revealed the Respondent was not in compliance. Ms. Love submitted photographs into the record that were taken on 4/12/07 and 8/13/07, which reflect the violations. Ms. Love testified homestead exemption is not filed on the property. Ms. Love testified she has been in contact with the Respondent.

Ms. Love recommended the property be brought into compliance within 60 days by removing the trash, litter, and debris, and paying staff costs in the amount of \$285.48. If not, a \$25 daily fine is ordered by the Board to begin accruing after 60 days.

Ms. Lee testified she is aware the property is littered with trash and debris. Ms. Lee explained the property was previously a pig farm, in which slop was dumped along with trash. Ms. Lee commended Ms. Love for her cooperativeness and professionalism. Ms. Lee testified she owns other properties in Sumter County which are well maintained. Ms. Lee testified the property is now posted with "No Trespassing" signs.

Mrs. Barnes made a motion to order the Respondent to bring the property into compliance within 60 days by removing the trash, litter, and debris, and 30 days to pay staff costs in the amount of \$285.48. If not, a \$25 daily fine shall be assessed if found in violation after the ordered time period. Mrs. Ruzzo seconded the motion and the motion carried.

Case: CE2006-0621

Respondent: Carol Dorminey

Location Address: 171 CR 494A, Lake Panasoffkee

Parcel: J16A027/OR – 813, PG – 792

Code Violation: 6-104(2), 6-104(4), and 6-104(5)

The Respondent was not present. Ms. Love testified the Notice for Hearing was sent by certified mail.

Ms. Love testified 8/13/07 was her most recent visit to the property, in which the property was not in compliance. Ms. Love submitted photographs into the record that were taken on 9/26/06 and 8/13/07,

which reflect the violations. Ms. Love testified her initial inspection was on 9/26/06. Ms. Love testified she has been in contact with the Respondent regarding the violations. Ms. Love also testified homestead exemption is filed on the property. Ms. Love testified the initial complaint was filed by

the Sumter County Sheriff's Office and Department of Children and Families. Ms. Love explained the Respondent is an elderly woman. Ms. Love testified the home is infested with animals and full of trash. Ms. Love testified the sewage issues have been resolved. Ms. Love explained Ms. Dorminey receives 2-3 free meals per day and is on a limited income. Ms. Love stated Ms. Dorminey's son has recently been released from prison and has made progress with the property maintenance. Ms. Love testified the grass has been cut, and the inoperable vehicles were removed. Ms. Love discussed the couch on the front porch and the trash in the carport.

Ms. Love recommended the Respondent be granted 30 days to remove the trash, debris, furniture, metal, bottles, cages, and similar items from the property. Ms. Love also recommended costs in the amount of \$510.48 are paid within 30 days. If not, a \$25 daily fine be ordered by the Board.

Mr. Messer made a motion to order the Respondent to remove the trash, debris, furniture, metal, bottles, cages, and similar items, and pay staff costs in the amount of \$255.24 within 30 days; failure to bring the property into compliance and pay staff costs within 30 days will result in a \$25 daily fine for each and every day the property remains in violation. Mrs. Barnes seconded the motion and the motion carried.

Case: CE2007-0200

Respondent: Eddie K. Williams

Location Address: 98 NE 99th Blvd, Wildwood

Parcel: C27=023/OR – 476, PG – 63

Code Violations: 13-E.3.1.2 SHC 307.4

The Respondent, Eddie Williams, and spouse, Elizabeth Williams, were present and sworn in. Ms. Love testified the Notice for Hearing was sent by certified mail, and the property was posted on 8/1/07. Ms. Love testified 8/13/07 was her most recent visit to the property, in which the property was not in compliance. Ms. Love submitted photographs into the record that were taken on 4/12/07, 6/15/07, 8/13/07, which reflect the violations. Ms. Love testified her initial inspection was on 4/12/07. Ms. Love also testified homestead exemption is not filed on the property. Ms. Love testified her only contact with the Respondent was during this meeting.

Ms. Love recommended the Respondent be ordered to remove all trash, debris, and the derelict structure, mow and maintain the property, and pay all staff costs within 30 days. If not, a \$25 daily fine shall be ordered by the Board.

Mr. Williams testified the house is abandoned and people are dumping litter on the property. Mr. Williams testified the travel trailer will be removed. Mr. Williams testified he is planning to sell the property, in which the Board informed Mr. Williams he is required to disclose all code enforcement issues to the new owner.

Mrs. Ruzzo made a motion to order the Respondent to bring the property into compliance by removing the trash, debris, and derelict structure, mowing and maintaining the property, and paying all staff costs due in the amount of \$285.48, within 30 days; failure to bring the property into compliance and pay staff costs due within 30 days will result in a fine in the amount of \$25 per day for each and every day the property remains in violation. Mr. Messer seconded the motion and the motion carried.

Case: CE2007-0326

Respondents: Perry D. and Cindy R. Vogler

Location Address: 4766 CR 117A, Wildwood

Parcel: D20B015/OR – 890, PG – 752

Code Violations: 13-713(a), 13-713(d), 13-713(e), and 13-728

The Respondents, Mr. and Mrs. Vogler, were present and sworn in. Ms. Love testified the Notice for Hearing was sent by certified mail. Ms. Love testified 8/13/07 was her most recent visit to the property, in which the property was not in compliance. Ms. Love submitted photographs into the record that were taken on 6/11/07, 6/12/07, 6/15/07, and 8/13/07, which reflect the violations. Ms. Love testified her initial inspection was on 6/11/07. Ms. Love also testified homestead exemption is filed on the property. Ms. Love testified she has been in contact with the Respondents. Ms. Love testified an electrical business is being operated from this property. Ms. Love testified the business' corporation documents show the property address as the business address. Ms. Love discussed the findings of her inspections, in which there were commercial vehicles and electrical items on the property. Ms. Love stated the initial complaint received was regarding 16 commercial vehicles on the property.

Ms. Love recommended the Respondents be found in violation and an immediate Cease and Desist Order be issued, along with paying all staff costs. If not, a \$250 daily fine should be ordered by the Board.

Mr. Vogler testified a business is not being operated from the property, and the property is not being used as a staging area. The Voglers discussed their payroll company that is located in Missouri. Mr. Vogler explained the additional commercial vehicle located on the property is for sale. Mrs. Vogler testified the employees come to the property for social purposes; however, they meet at a storage facility for business purposes. Mr. Vogler testified he has been in contact with Gary Rusu, Chief Building Inspector, regarding the status of the case. Mr. Rusu was sworn in and testified regarding his inspection, and stated only personal vehicles were observed at the property. Mr. Vogler testified all deliveries for his business are made at the job site. The definition of a staging area was discussed. Mrs. Vogler testified she was taken aback regarding Ms. Love's attitude throughout the period of the code case. The Voglers stated they felt they are in compliance and should not have been brought before the Board. Mr. Vogler was informed a personal vehicle with business signs becomes a commercial vehicle. Mr. Rusu recommended removing the commercial lettering.

Mrs. Barnes made a motion to order the Respondents to bring the property into compliance immediately by ceasing and desisting the parking of any commercial vehicles on the property, and paying all staff costs due in the amount of \$240.09 within 30 days; failure to bring the property into compliance and pay staff costs due within 30 days will result in a fine in the amount of \$50 per day for each and every day the property remains in violation. Mr. Pasko seconded the motion and the motion carried.

Case: CE2007-0335

Respondents: Raybon E. and Diana J. Raley

Location Address: 5133 CR 163, Wildwood

Parcel: G15A263/OR – 1032, PG – 508

Code Violations: 13-713(a), 13-713(d), 13-713(e), 13-713(i)(1)(a-f), 21-1(A), 13-E.3.1.2 SHC 307.4, and 13-728

The Respondent, Diana Raley, and tenant, Jennifer Raffensberger/JJJ Tree Service, were present and sworn in. Ms. Love testified the Notice for Hearing was sent by certified mail. Ms. Love testified 8/13/07 was her most recent visit to the property, in which she could not determine if the property was in compliance. Ms. Love submitted photographs into the record that were taken on 6/20/07, 7/2/07, and 8/13/07, which reflect the violations. Ms. Love testified her initial inspection was on 6/20/07, in which a Notice of Violation was issued due to being a repeat offender. Ms. Love also testified homestead exemption is not filed on the property. Ms. Love testified she has had ongoing contact with the Respondents. Ms. Love testified a tree trimming business is being operated from this

property, and she has witnessed the business operations on numerous occasions upon inspections, which she described in detail. Ms. Love testified to tree trucks, employees, tree debris, and vehicle maintenance on the property. Ms. Love testified the residence served as an office.

Ms. Love recommended since the Respondents were not in compliance as of July 1, 2007 as requested, an immediate Cease and Desist Order be issued, along with paying all staff costs. If not, a \$250 daily fine should be ordered by the Board.

Mrs. Raley testified a business is no longer being operated from the property. Mrs. Raley testified she tries not to interfere with her tenants' affairs as long as rent is being paid. Mrs. Raley testified she informed the tenants at the time of occupancy a business was not allowed. Mrs. Raffensberger testified her husband received a serious injury to his skull, which is why they were not in compliance on July 1, 2007. Mrs. Raffensberger testified the only vehicles at the property were personal vehicles and all business signage had been removed. Mrs. Raffensberger testified the business is being operated from a commercial location in Fruitland Park, Florida.

Mr. Messer made a motion to find the Respondents in compliance at this time; however, an automatic \$250 daily fine be imposed if found in violation again, and the payment of all staff costs in the amount of \$240.09 are due within 30 days. Mrs. Barnes seconded the motion and the motion carried.

Mr. Messer amended his motion to include the Respondents were in violation as of July 1, 2007, which was the inspector's requested date for compliance. Mrs. Barnes seconded the amended motion and the amended motion carried.

Respondents: Gary Falconer and Raymond Philbrook

Location Address: Hanover Tract, Wildwood

Parcel: F06A008/OR – 1258, PG – 129

Code Violation: 13-364(B)(2)(E)

The Respondents were not present. Mr. Jochum testified the Notice for Hearing was sent by certified mail; however, was returned; therefore, the property and Mr. Falconer's residence were posted on 8/1/07. Mr. Jochum testified 8/13/07 was his most recent visit to the property, in which the property was not in compliance. Mr. Jochum submitted photographs into the record that were taken on 2/14/07, 3/27/07, 6/26/07, 8/1/07, and 8/13/07, which reflect the violations. Mr. Jochum testified his initial inspection was on 2/14/07. Mr. Jochum testified he has been in contact with the Respondents regarding the violations. Mr. Jochum also testified homestead exemption is not filed on the property. Mr. Jochum testified there is no principal dwelling on the property; therefore, the storage of the RV is prohibited.

Mr. Jochum recommended the Respondents be granted 30 days to remove the RV from the property. Mr. Jochum also recommended costs in the amount of \$375.89 are paid within 30 days. If not, a \$10 daily fine be ordered by the Board.

Mr. Clark made a motion to order the Respondents to remove the RV, and pay staff costs in the amount of \$375.89 within 30 days; failure to bring the property into compliance and pay staff costs within 30 days will result in a \$10 daily fine for each and every day the property remains in violation. Mr. Messer seconded the motion and the motion carried.

Discussion:

The Board discussed the definition of a "junk boat".

The Proof of Publication for the new meeting location was presented.

Mr. Folden informed the Board of the upcoming changes to the Code Compliance Department due to budget constraints.

There being no further business, Mr. Messer made a motion to adjourn. Mrs. Ruzzo seconded the motion and the motion carried.

The meeting adjourned at 8:30 PM.

Chairperson

Recording Secretary